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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,939	01/29/2002	Mark LeVake	21958-022	7162
35437	7590	10/27/2006	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO 666 THIRD AVENUE NEW YORK, NY 10017			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/059,939	LEVAKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald Laneau	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8-10, 20, 37, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 20, 37, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. The amendment filed on 8/14/06 has been entered. Claims 1-5, 8-10, 20, 37, 40 and 41 remain pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 8, 10, 20, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al (US 6,462,644 B1) in view of Morris et al (US 6,339,731 B1).

As per claims 1, 8 and 10, Howell discloses a vending machine having a vending machine controller with a DEX interface (see figs. 4A, 4B) and a multi-drop-bus interface (col. 4, lines 34-38), an enabling device comprising: a wireless data network transceiver connected to said DEX interface (see fig. 2, 206); a card reader for entering credit card account information (cashless reader, page 2, [0018], fig. 1, 30); and a micro-controller 24 in communication with said transceiver (see fig. 3, 102) and connected to said multi-drop-bus interface (see fig. 3, 306). Howell does not disclose a card reader but Morris discloses a card reader for entering credit card information (fig. 24, 78), Morris discloses a cashless reader that automatically includes a magnetic swipe reader. Morris further discloses a real-time electronic payment using a credit card in a card reader to allow transactions to go forward for products dispensed in a vending machine.

Art Unit: 3714

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the card reader as taught by Morris into the system of Howell because it would allow a customer with no cash to purchase item for the vending machine using a credit card.

As per claim 5, the wireless system taught by Howell is capable of having a transceiver that is operated on a wireless network that consists of a Code Division Multiple Access (CDMA) as claimed.

As per claims 20, 37, 40 and 41, Howell discloses a method for managing information from a DEX enabled vending machine or a computer readable medium having computer-executable instructions for performing a method comprising: sending a command from a remote computer over a wireless network to a remote DEX enabled vending machine having a DEX port (see figs. 2, 4A, 4B), said command comprising one of: a first procedure for resetting data on said vending machine, wherein DEX data fields are cleared and said DEX port is disabled (see figs. 6A-6D; machine setup). Howell does not disclose an auditing data on said vending machine but Morris discloses an auditing data on said machine, a second procedure for auditing data on said vending machine, wherein data is sent back to the remote computer (col. 1, lines 55-64), and a third procedure for configuring data on said vending machine, carrying out said procedure on said vending machine (see abs., col. 1, lines 55-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the auditing and configuring data as taught by Morris into the system of Howell because it would provide a technique which simplifies the process of configuring and

Art Unit: 3714

reconfiguring a vending machine data monitoring and reporting unit so that different types of data can be collected and reported as desired.

4. Claims 2, 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al (US 6,462,644 B1) in view of Morris et al (US 6,339,731 B1) and further in view of Kolls (US 6,321,985 B1).

As per claims 2 and 9, see above rejection. Neither Howell nor Morris discloses the concept of having a display in a vending machine but Kolls discloses a display 14 for customer to view their item using a vending machine (see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the card reader as taught by Morris into the system of Howell because it would allow a customer with no cash to purchase item for the vending machine using a credit card. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the display as taught by Kolls into the combined systems of Howell and Morris because it would make it easier for customers to view the items being purchase for accuracy purposes.

As per claim 4, neither Howell nor Morris discloses the concept of having a speaker in a vending machine but Kolls discloses at least a speaker 22 seen in figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the card reader as taught by Morris into the system of Howell because it would allow a customer with no cash to purchase item for the vending machine using a credit card. It would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 3714

made to utilize the speaker as taught by Kolls into the combined systems of Howell and Morris because it would allow a buyer to not only view the item being purchased but also to listen to the name of the item from the speaker. That would increase accuracy of the selection.

### ***Response to Arguments***

5. Applicant's arguments filed on 8/14/06 have been fully considered but they are not persuasive.

Applicant argues that Howell's system is not configured to be connected to both the transceiver and the multi-drop-bus interface simultaneously. In response to Applicants' arguments, Howell discloses a nothing prevents the system of Howell from being connected to both the transceiver and the multi-drop-bus as claimed. Applicants further argue that they are confused by the Examiner's reference to a cashless reader. In response to Applicants' arguments, what is a cashless reader? It is a reader where anything is read and accepted except for cash. Therefore, having a credit card reader would read as a cashless reader since no cash is read and accepted. Applicants' arguments about Morris are moot since Howell was used to disclose these elements of the claims. Furthermore, Applicants argue that Howell's system fails to disclose, teach or suggest "a procedure for resetting data on the vending machine, where DEX data fields are cleared and the DEX port is disabled." In response to Applicants' arguments, Howell's system discloses a setup process that is capable of resetting data on the vending machine as claimed. All other arguments by Applicants are moot in view of the rejection above.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

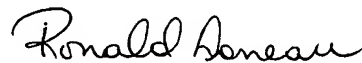
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3714

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

10/18/06

rl